

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE QUEZADA,

Plaintiff,

-against-

JAY STREET FOODS, INC,

Defendant.  
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21-CV-4062 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:


Plaintiff Jose Quezada filed this action on May 6, 2021, (Doc. 1), and an electronic summons was issued on May 7, 2021, (Doc. 4.) To date, Defendant has not appeared or responded to the complaint. On June 7, 2021, I entered an Order directing Plaintiff to move for a default judgment by June 21, 2021, or risk having this case dismissed for failure to prosecute. (Doc. 6.) Plaintiff subsequently obtained a Clerk's Certificate of Default. (Doc. 10.) On June 21, 2021, Plaintiff filed a letter requesting an additional 30 days in which to attempt to contact Defendant or move for default judgment. (Doc. 9.) On June 23, 2021, I granted Plaintiff's request, and again warned that if Plaintiff fails to demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 11.) Thirty days have now passed. No action has been taken in this case, and Plaintiff has demonstrated no intent to prosecute this action.

Accordingly, this action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 632 (1962) ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been

considered an inherent power . . . necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (internal quotation marks omitted)); *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.”). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: July 26, 2021  
New York, New York

  
Vernon S. Broderick  
United States District Judge